

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SABRINA LIMON,

Petitioner,

v.

DIRK WILLIAMS, Acting Warden,

Respondent.

No. 1:24-cv-00316-KES-SKO (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DENYING  
PETITION FOR WRIT OF HABEAS  
CORPUS WITH PREJUDICE, DECLINING  
TO ISSUE CERTIFICATE OF  
APPEALABILITY, AND DIRECTING  
CLERK OF COURT TO ENTER JUDGMENT  
AND CLOSE CASE

(Doc. 12)

Petitioner Sabrina Limon is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2024, the assigned magistrate judge issued findings and recommendations to deny the petition on its merits. Doc. 12. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within thirty (30) days after service. No objections have been filed, and the deadline to do so has expired.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the case. Having carefully reviewed the file, the Court concludes that the findings

1 and recommendations are supported by the record and proper analysis.

2 Having found that petitioner is not entitled to habeas relief, the Court now turns to  
3 whether a certificate of appealability should issue. A petitioner seeking a writ of habeas corpus  
4 has no absolute entitlement to appeal a district court's denial of her petition, and an appeal is  
5 allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335-336 (2003). If a  
6 court denies a habeas petition on the merits, the court may issue a certificate of appealability only "if  
7 jurists of reason could disagree with the district court's resolution of [the petitioner's] constitutional  
8 claims or that jurists could conclude the issues presented are adequate to deserve encouragement to  
9 proceed further." *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the  
10 petitioner is not required to prove the merits of her case, she must demonstrate "something more than  
11 the absence of frivolity or the existence of mere good faith on [her] . . . part." *Miller-El*, 537 U.S. at  
12 338.

13 The Court finds that reasonable jurists would not find the Court's determination that the  
14 petition should be denied debatable or wrong, or that the issues presented are deserving of  
15 encouragement to proceed further. Petitioner has not made the required substantial showing of the  
16 denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability.

17 Accordingly,

- 18 1. The findings and recommendations issued on July 30, 2024, Doc. 12, are adopted  
19 in full;
- 20 2. The petition for writ of habeas corpus is denied with prejudice;
- 21 3. The Clerk of Court is directed to enter judgment and close the case; and
- 22 4. The Court declines to issue a certificate of appealability.

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25 IT IS SO ORDERED.

26 Dated: April 8, 2025

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UNITED STATES DISTRICT JUDGE